

# Cooley

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Via ECF and Fax

November 10, 2020

Honorable Alvin K. Hellerstein  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 14D  
New York, NY 10007-1312

Re: *Barry C. Honig et al. v. John David Hansen, et al.*, Case No. 1:20-cv-05872-AKH-SN

Dear Judge Hellerstein:

We represent Defendants John David Hansen and Gregory P. Hanson ("Defendants") in the above-referenced action (the "Honig Action") and in the related action captioned *Grander Holdings, Inc., et al. v. John David Hansen, et al.*, Case No. 1:20-cv-8618-AKH (the "Grander Action"). The complaints in these actions are virtually identical – i.e., the same defendants, same factual allegations, and same causes of action. As a result, and in the interest of efficiency and judicial economy, counsel for Defendants asked Plaintiffs' counsel to stipulate to consolidation of the Honig and Grander Actions for all purposes. However, Plaintiffs' counsel refused and agreed to consolidate for discovery purposes only, thereby necessitating Defendants' Motion to Consolidate, which is filed concurrently herewith. In light of these developments, Defendants respectfully request an adjournment of Defendants' deadline to file a motion to dismiss the First Amended Complaint (the "FAC") currently set for November 16, 2020, until after the Motion to Consolidate has been decided.

The parties to the Honig Action previously submitted a stipulation setting forth a proposed briefing schedule for Defendants' anticipated motion to dismiss the FAC. (ECF No. 35.) On October 14, 2020, the Court approved the stipulation and set the briefing schedule for Defendants' motion to dismiss the FAC. (ECF No. 36.) Under that schedule, Defendants must file their motion to dismiss the FAC on or before November 16, 2020. Plaintiffs must file their opposition on or before December 28, 2020. And Defendants must file their reply on or before January 15, 2021.

If, however, the Court grants the Motion to Consolidate, then the parties' briefing schedule will be moot. As such, requiring Defendants to file their motion to dismiss the FAC before the Court decides the Motion to Consolidate will waste both the parties' and the Court's time and resources. Accordingly, Defendants request an adjournment of their current deadline to file a motion to dismiss the FAC until after the Motion to Consolidate has been decided. In the event the Court denies the Motion to Consolidate, Defendants will file their motion to dismiss the FAC within seven days of that date, or at such other time the Court deems appropriate.

This is Defendants first request for an adjournment of the deadline to file their motion to dismiss the FAC. The Honig Plaintiffs do not object to this request.

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Sincerely,



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